

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

LORETTA SMITH,)	
)	
Petitioner,)	
)	
v.)	CV 315-044
)	(Formerly CR 314-005)
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

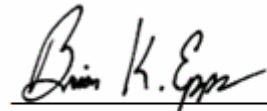
Petitioner, an inmate at Alderson A-2 Federal Prison Camp, in Alderson, West Virginia, filed with this Court a motion under 28 U.S.C. § 2255 to vacate, set aside, or correct her sentence. Petitioner raises three ineffective assistance of counsel claims:

- (1) Counsel failed to file a timely appeal and to consult her about an appeal.
- (2) Counsel failed to challenge incorrect sentencing guidelines.
- (3) Counsel failed to investigate any mitigating factors, failed to give a closing argument, and failed to produce any evidence at sentencing to challenge inaccurate statements in the Pre-Sentence Report.

Grounds Two and Three have been fully briefed, and the evidence of record in the case provides the Court with the necessary information to make its recommendation without further development of the record. However, as to Ground One, the Court will hold an evidentiary hearing on March 7, 2016, at 10:30 a.m., in Courtroom One at the Federal Justice Center, 600 James Brown Boulevard, Augusta, Georgia.

Pursuant to Rule 8(c) of the Rules Governing Section 2255 Proceedings, Petitioner is entitled to have appointed counsel if she is financially eligible under 18 U.S.C. § 3006A. Accordingly, the Court **DIRECTS** Petitioner to complete the attached financial affidavit within three days.¹

SO ORDERED this 11th day of February, 2016, at Augusta, Georgia.



BRIAN K. EPPS
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA

¹ The Court **DIRECTS** the Clerk to attach Form CJA 23 to this Order.